

Before: Shri. P. A. Jagdale,
Officer on Special Duty,
With the Testamentary Department
Date: 02nd February, 2026

FOR COMPLIANCE:

130. TP/6059/2025) Shri. Pierre Fernandes a/w Ms. Rupali
 (AMH20230010418C202500011)) Singh i/b IVOR PETER DCRUZ Ld.
 with
 WILL/2267/2025) Advocate for the Petitioner

PC.:

- 1) Petitioner, namely MARIA CAROL FERNANDES, filed this petition for grant of Letters of Administration with Will Annexed, being the sole legatee under the Will executed by DERICK JOSEPH FERNANDES alias DERICK J. FERNANDES alias DERICK FERNANDES alias DERICK JOSEPH WILFRED FERNANDES alias DERICK JOSEPH W. FERNANDES alias FERNANDES DERICK JOSEPH alias FERNANDES DERICK (herein after the same is referred to as "Testator"), for the grant of a Letters of Administration with Will annexed. The Said Testator said to have died at Mumbai on 07.09.2025.
- 2) Perused petition. Heard Ld. Advocate for the petitioner. Perused documents. Petitioner, filed the copy of death certificate, an identity proof of the testator, Will, along with its official translation, petitioner's oath.
- 3) The executor, namely Gwendoline Olga Fernandes have relinquished executorship by filing an affidavit at page No. 56-60 of the petition. No executor has been appointed under the Will. The petitioner is the Sole Legatee under the Will. Hence, the petition is tenable.
- 4) Petitioner stated that the deceased left behind his last Will and Testament, which was duly executed at Mumbai on 13.03.2023, in English language. The Will is handed over separately for being filed and kept in a safe place in the Office of the Prothonotary and Senior Master, High Court, Bombay.
- 5) Ld. Advocate for the petitioner submits that the testator is survived by his widow(Petitioner) and Gwendoline Olga Fernandes and Adriel Joseph Fernandes as his legal heirs, whose details are given in the petition's paragraph No. 08 as per the provisions of the Indian Succession Act, 1925. The petitioner affirmed that there are no other legal heirs of the deceased, except as mentioned in the petition. Legal heirs of the testator have consented to the petition and thereby waived the service of Citation.
- 6) Citation to all Concern was issued and same has been duly affixed on the conspicuous part of the Hon'ble High Court and notice board of the Collector's Office at Mumbai and 14 days have been expired vide Rule 397(1) and (4) of the Bombay High Court (O.S.) Rules, 1980(for short "BHC Rules")

and an affidavit to that effect has been filed. Notice to collector has been issued vide Rule 396 of BHC Rules. Till today, no one appeared to resist the claim of the petitioner or nothing is brought to the notice regarding pending litigation pertaining to the same properties. Hence, the petition is treated as uncontested one.

7) The petitioner has filed the affidavit of MARIO JOSEPH DIAS & LYNETTE FLORENCE DIAS, one of attesting Witnesses to the Will, in form No.102 of Bombay High Court (Original Side) Rules, 1980. This witness deposed that deceased signed the Testament in her presence and the testator was in sound state of mind at the time of execution of the Will. Hence, enough evidence is on record to accept the execution of the Will and petitioner is succeeded to prove the execution of Will. According to her all additions and alteration in a Will were existed at the time of execution before signing the Will. Hence, there is sufficient compliance of the Rule 383 of the Rules.

8) Properties mentioned in the schedule-I of the petition are referred in the Will. Petitioner has executed the administration Bond in the prescribed format. Hence, following order:

ORDER

- 1) Petition is granted.
- 2) Office to issue Letters of Administration with Will annexed to the petitioner, renouncing the right of the Executor namely Gwendoline Olga Fernandes, as per the Rules, having effect throughout the State of Maharashtra.
- 3) Before issuance of Letters of Administration with Will, the office to verify that there is no cross Petition is pending or caveat is filed. Office to act accordingly.

02nd February, 2026

**Officer on Special Duty,
with Testamentary Department**